

IN RE: PETITION FOR ZONING VARIANCE
NW/5 Ferguson Avenue, corner
SW/5 Linbelle Terrace
10106 Ferguson Avenue
11th Election District
5th Councilmanic District
Louis E. Schwartz, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-541-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 to permit an accessory structure (pool) outside of the rear one-third of the lot farthest removed from both streets, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Louis E. Schwartz and Betty K. Schwartz, his wife, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 10106 Ferguson Avenue, and located on the corner of Ferguson Avenue and Linbelle Terrace, consists of .52 acres +/-, zoned D.R.3.5, and is improved with a single family dwelling.

The Petitioners are desirous of constructing an in-ground swimming pool on the northwest portion of their property as indicated on Petitioners' Exhibit 1.

The Petitioners testified that children will be frequently using the pool and that it is important to monitor pool activity from the house. The proposed location will provide unobstructed observation from the house, which will not be the case if the pool is located in the southwest corner of the lot. The Petitioners stated that the proposed location is the most convenient place for the electrical and water hookup. Testimony also indicated that the Petitioners had an above ground pool on the sub-

ject location for many years which was removed in the latter part of 1988. The Petitioners stated that they have spoken with their adjoining neighbors who voiced no objections to the prior or proposed pool.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 1989 that the request for a variance from Section 400.1 to permit an accessory structure (pool) outside of the rear one-third of the lot farthest removed from both streets, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JRH:mmn
cc: Peoples Counsel

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 17th
Posted for: 10/10/89
Petitioner: Louis E. Schwartz, et ux
Location of property: NW/5 Ferguson Avenue, corner SW/5 Linbelle Terrace
Location of sign: NW/5 Ferguson Avenue, corner SW/5 Linbelle Terrace
Remarks: Petitioners request a variance from Section 400.1 of the B.C.Z.R. to permit an accessory structure (pool) outside of the rear one-third of the lot farthest removed from both streets.
Posted by: J. Robert Haines
Number of Signs: 4

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 21, 1989



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Louis E. Schwartz
10106 Ferguson Avenue
Baltimore, Maryland 21234

RE: Petition for Zoning Variance
Case No. 89-541-A

Dear Mr. and Mrs. Schwartz:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure (use) outside of the rear one-third of the lot farthest removed from both streets

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

- 1) TO FAR FROM LIVING, DINING, KITCHEN AREA OF HOUSE
- 2) DIFFICULT TO WATCH CHILDREN IN LEFT REAR AREA OF YARD.
- 3) GRADE OF POOL WOULD CAUSE RUN-OFF ON NEIGHBOR'S YARD

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____

Legal Owner(s): _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name, address and phone number of legal owner, contractor, purchaser or representative to be contacted: _____
Signature: _____
Address: _____
City and State: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of July, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of July, 1989, at 9:30 o'clock A.M.

ZONING DESCRIPTION

BEGINNING ON THE NORTHWEST SIDE OF FERGUSON AVENUE COR. SOUTHWEST SIDE OF THE LINEBELLE TERRACE 50'. ALSO BEING KNOWN AS LOT 1 BLOCK D OF THE SUBDIVISION KNOWN AS NORTHWIND VILLAGE PLAT BOOK 22 FOLIO 95 AND 10106 FERGUSON AVENUE IN THE 11TH ELECTION DISTRICT. CONTAINING 0.52 AC.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on Friday, July 7, 1989 at 9:30 a.m.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 8, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 8, 1989

THE JEFFERSONIAN.

S. Zebe Orlean
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Louis E. Schwartz
10106 Ferguson Avenue
Baltimore, Maryland 21234

Re: Petition for Zoning Variance
CASE NUMBER: 89-541-A
NW/5 Ferguson Avenue, corner SW/5 Linbelle Terrace
10106 Ferguson Avenue
11th Election District - 5th Councilmanic
Petitioner(s): Louis E. Schwartz, et ux
HEARING SCHEDULED: FRIDAY, JULY 7, 1989 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 29.76 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ADVERTISING SIGN AND POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) days prior to the hearing. Failure to do so will result in the hearing being postponed.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 7/7/89 ACCOUNT: REC-615-000
AMOUNT: \$ 89.86
RECEIVED FROM: Louis E. Schwartz
FOR: P.A. for 7/7/89 Hearing 89-541-A

VALIDATION ON SIGNATURE OF CASHIER
DATE: 7/7/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
484-3353

J. Robert Haines
Zoning Commissioner

July 26, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

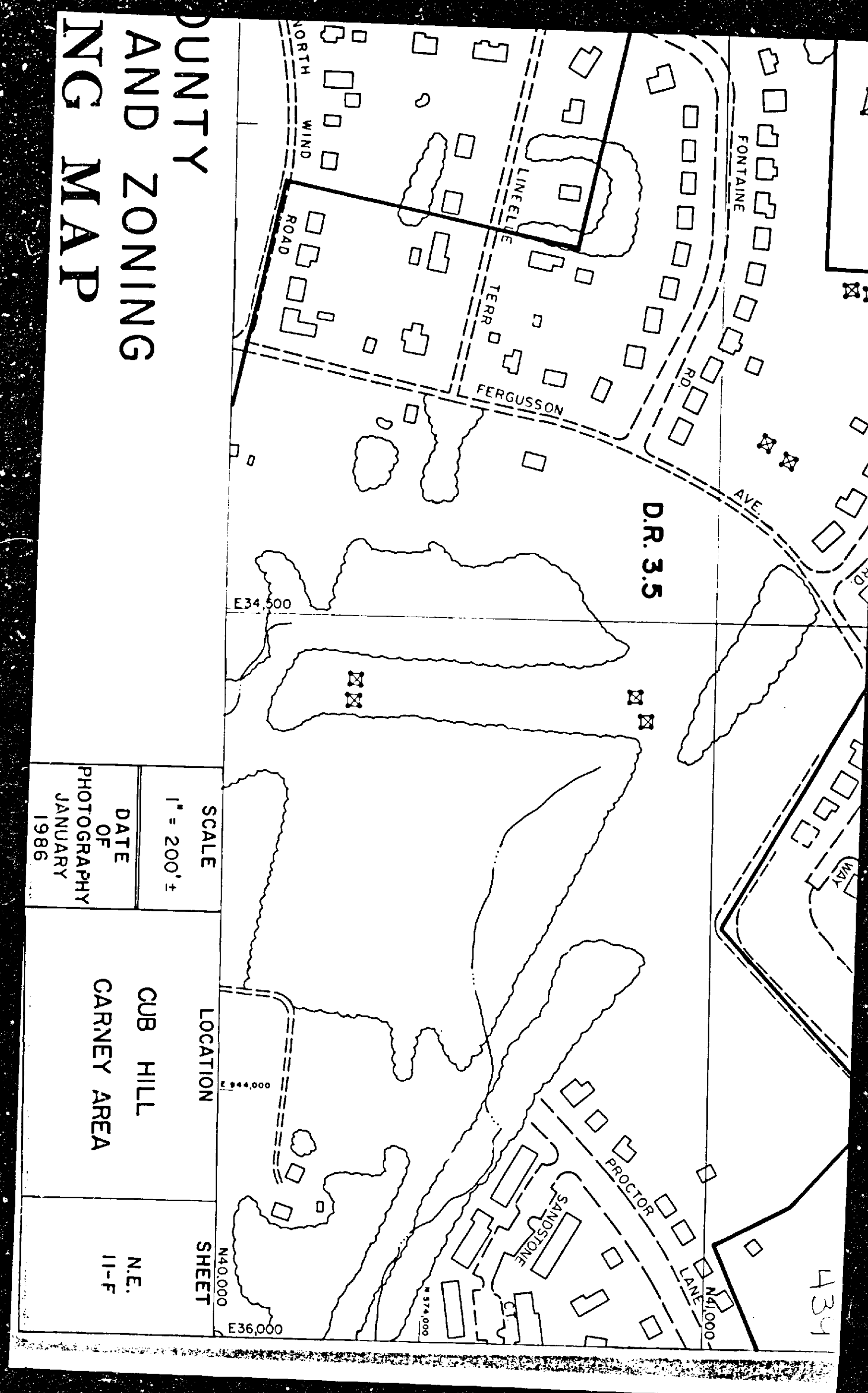
Petition for Zoning Variance
CASE NUMBER: 89-541-A
NW/5 Ferguson Avenue, corner SW/5 Linbelle Terrace
10106 Ferguson Avenue
11th Election District - 5th Councilmanic
Petitioner(s): Louis E. Schwartz, et ux
HEARING SCHEDULED: FRIDAY, JULY 7, 1989 at 9:30 a.m.

Variances to permit an accessory structure (use) outside of the rear one-third of lot farthest removed from both streets.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

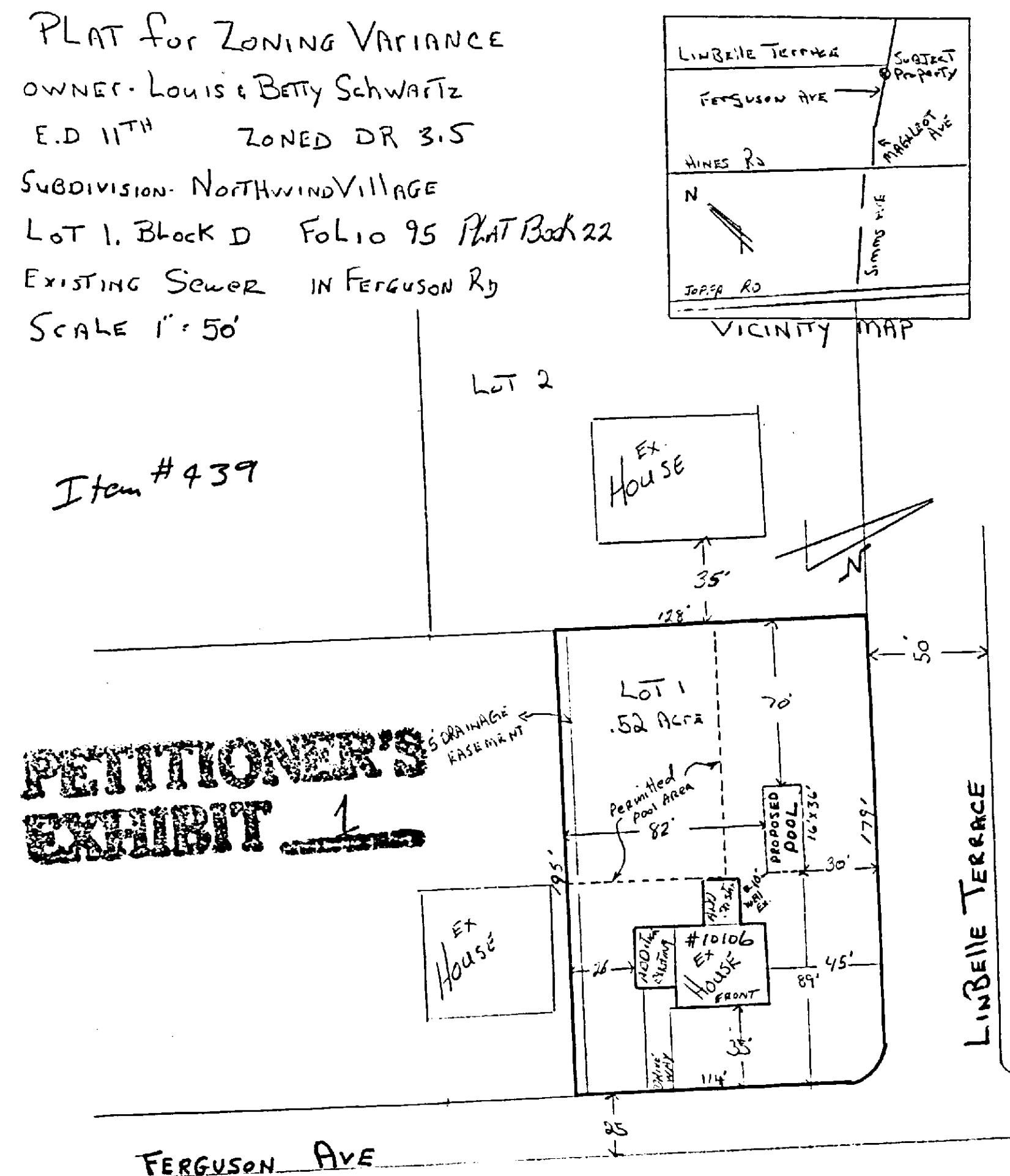
cc: Mr. & Mrs. Schwartz
David Raugh
File



PLAT FOR ZONING VARIANCE
OWNER: LOUIS & BETTY SCHWARTZ
E.D. 11TH ZONED DR 3.5
SUBDIVISION: NORTHWIND VILLAGE
LOT 1, BLOCK D FOLIO 95 PLAT BOOK 22
EXISTING SEWER IN FERGUSON RD
SCALE 1" = 50'

Item #439

PETITIONER'S EXHIBIT 1



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Louis E. Schwartz
10106 Ferguson Avenue
Baltimore, MD 21234

RE: Item No. 439, Case No. 89-541-A
Petitioner: Louis E. Schwartz, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Schwartz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

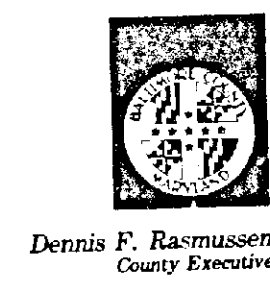
JED:jw

Enclosures

cc: Mr. David Raugh
9000 Harford Road
Baltimore, MD

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



RE: Property Owner: Louis E. Schwartz, et ux
Location: NW/S Ferguson Avenue, corner SW/S Linbelle Terrace (#10106 Ferguson Avenue)
Item No.: 439 Zoning Agenda: April 25, 1989

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Hestally* Noted and Approved *Pat Hestally*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 25, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 424, 425, 427, 428, 429, 430, 431, 432, 435, 437, 439, 440, 441, 442, 443, 444, 445, 447, and 448. Comments are attached for Items 426, 434, 436, 438 and 446.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:b

Encls.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

April 25, 1989



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for Items number 424, 425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, and 448.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 29 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-541-A
Item No. 439

Re: Louis E. Schwartz, et ux

The Petitioners requests a variance to allow a swimming pool to be located outside of the third of the lot farthest removed from any street. In reference to this request, staff offers the following comment:

Landscaping and screening should be provided along the side street.

A:7789.txt Pg.3

89-541-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
25th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Louis E. Schwartz, et ux Received by: James E. Dyer
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

MAY 1 9 1989